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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,736	04/23/2001	Luosheng Peng	10480-014-999	4531
7590	06/14/2005		EXAMINER	
ROXANA H YANG P O BOX 400 LOS ALTOS, CA 94023			MANIWANG, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)	
09/840,736	PENG, LUOSHENG	
Examiner	Art Unit	
Joseph R. Maniwang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 January 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/12/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 01/12/05 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement was considered by the Examiner.

### ***Drawings***

3. The drawings were received on 01/12/05. These drawings are accepted.

### ***Terminal Disclaimer***

4. The terminal disclaimer filed on 01/12/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 09/841,777 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Adrangi (U.S. Pat. No. 6,651,141), hereinafter referred to as Adrangi.

6. Regarding claims 1 and 10, Adrangi disclosed a method and system for caching files, comprising receiving a request to execute or access a set of files, said set of files including an application or data; (see column 1, lines 23-54); downloading said set of files from a remote server or gateway if said set of files is not pre-loaded or cached (see column 1, lines 23-54; column 5, lines 36-55); calculating a cache benefit index for said set of files, said cache benefit index representing a total traffic volume saved between said remote server or gateway and said mobile device (see column 6, lines 6-63); determining available free space in a local file system (see column 6, lines 4-5); caching said set of files in said local file system in accordance with said cache benefit index and available free space (see column 5, lines 45-51); saving corresponding meta information in a database (see column 5, lines 36-40); and returning the location of said requested application in said local file system (see column 2, lines 45-52).

7. Regarding claims 2 and 11, searching a storage table in a database for determining whether requested files were cached was implicitly disclosed by Adrangi, as it was disclosed that after deciding a set of files was cacheable, an update signifying such caching was made to a database for use in tracking the distribution of the files throughout the system and to reflect content changes (see column 7, lines 19-29; column 8, lines 42-49). Such a table signifying the contents of the cache would clearly have served the purpose of keeping a record of whether a file was pre-loaded in the cache. Additionally, Adrangi disclosed searching a cache contents for matching files as known in the art (see column 1, lines 36-45).

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8. Regarding claims 3 and 12, Adrangi disclosed communicating with a remote server for obtaining requested files (see column 8, lines 41-46).
9. Regarding claims 4 and 13, Adrangi disclosed updating a database in accordance to a response from a server (see column 8, lines 41-49), in which parsing the server response and sending a response as claimed are inherent in communicating with a server.
10. Regarding claims 5 and 14, Adrangi implicitly disclosed marking cached files as out-of-date as when updating the database after a server response, entries could be marked as aged (see column 7, lines 30-32) signifying that the file requested was less popular, and thus dated (see column 7, lines 30-53).
11. Regarding claims 6 and 15, Adrangi disclosed comparing the calculated popularity value to other popularity values of cached data, determining the available space in the cache, and removing cached items whose popularity values were less than the popularity value of another file (see column 6, lines 1-5; column 7, lines 54-66; column 8, lines 25-30).
12. Regarding claims 7 and 16, Adrangi disclosed caching files based on available space (see column 6, lines 1-5), and further based on if the popularity value of the files was greater than a tolerable threshold (see column 7, lines 30-53; column 8, lines 30-40).
13. Regarding claims 8 and 17, Adrangi disclosed the ability to calculate the available cache space after caching files into the local cache (see column 7, lines 7-18; column 8, lines 15-28).

14. Regarding claims 9 and 18, Adrangi disclosed performing various management sub-transactions as claimed, including cache space management (see column 7, lines 7-18; column 8, lines 25-30) and management of communications (see column 5, lines 11-35).

### ***Response to Arguments***

15. Applicant's arguments filed 01/12/05 have been fully considered but they are not persuasive.

16. Amendments to the Drawings are acknowledged and accepted by Examiner.

17. Regarding claims 4 and 13 rejected under 35 U.S.C. 112(2), Examiner accepts Applicant's amendments to the claims in overcoming the rejections. The rejections have been withdrawn.

18. Regarding claims 1-18 rejected under 35 U.S.C. 102(e) as being anticipated by Adrangi (U.S. Pat. No. 6,651,141), Applicant asserts that the popularity value of Adragi represents the popularity of a file based on the number of request for that file, and does not read upon the newly amended claim limitation where the cache benefit index (CBI) represents a total traffic volume saved. However, Examiner submits that the popularity value of Adragi does in fact read upon the claimed CBI, where the claimed CBI represents a total traffic volume saved. As described by Applicant, the CBI is usually calculated by a parameter such as frequency of execution or access of a file (see Specification, p. 12, lines 5-9). The popularity value of Adragi, as acknowledged by Applicant, was also calculated based on frequency of access (see column 6, lines 12-

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17), and thus reads directly on this definition of a CBI. Even further, the popularity value of Adragi itself represented the traffic volume saved, as another factor in calculating the popularity value was the elapsed time and file size (see column 6, lines 30-63). Clearly, the elapsed time and file size factors in determining the popularity value would inherently mean the popularity value represented a total traffic volume saved as broadly claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

MARC D. THOMPSON  
*MARC THOMPSON*  
PRIMARY EXAMINER